

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JANE BISHOP LILLEGARD,) Docket No. 16 C 8075
individually and on behalf)
of a class,)
)
Plaintiff,)
)
v.) Chicago, Illinois
) March 9, 2017
BLATT, HASENMILLER, LEIBSKER &) 9:00 o'clock a.m.
MOORE, LLC.; and)
UNIFUND CCR, LLC.,)
)
Defendants.)

TRANSCRIPT OF PROCEEDINGS - STATUS, MOTION
BEFORE THE HONORABLE JOHN Z. LEE

APPEARANCES:

For Defendant Blatt HINSHAW & CULBERTSON LLP, by
Hasenmiller: MR. JOHN PAUL RYAN
222 North LaSalle Street
Suite 300
Chicago, Illinois 60601

For Defendant Unifund: SWANSON, MARTIN & BELL, LLP, by
MS. EMILY JEAN FITZGERALD
330 North Wabash
Suite 3300
Chicago, Illinois 60611

ALEXANDRA ROTH, CSR, RPR
Official Court Reporter
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Chicago, Illinois 60604
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1 (Proceedings had in open court:)

2 THE CLERK: 16 C 8075, Bishop Lillegard versus Blatt,
3 Hasenmiller, Leibsker & Moore.

4 MR. RYAN: Good morning, your Honor. John Ryan on
5 behalf of defendant Blatt, Hasenmiller.

6 MS. FITZGERALD: Good morning, your Honor. Emily
7 Fitzgerald on behalf of defendant Unifund.

8 THE COURT: Do you anticipate anyone appearing on
9 behalf of plaintiffs?

10 MR. RYAN: I would presume so, your Honor. We can
11 kick it for a few minutes, see if he arrives. I can go out in
12 the hallway and try to call him, if you like.

13 THE COURT: Why don't you go ahead and do that. We
14 will pass it. Thank you.

15 MS. FITZGERALD: Thank you.

16 (Other matters heard before this Court, after which the
17 following further proceedings were had herein:)

18 THE CLERK: Recall of case 16 C 8075, Bishop Lillegard
19 versus Blatt, Hasenmiller, Leibsker & Moore.

20 MS. FITZGERALD: Good morning, your Honor. Again
21 Emily Fitzgerald for defendant Unifund.

22 MR. RYAN: Good morning, your Honor. Jack Ryan on
23 behalf of defendant Blatt, Hasenmiller.

24 THE COURT: So, Mr. Ryan, why did it take Blatt so
25 long to file this motion?

1 MR. RYAN: Your Honor, it's a joint motion. But we
2 were trying to resolve the case. And we exchanged discovery in
3 January. We still tried to resolve the case. And that's when
4 we filed the motion to compel arbitration.

5 THE COURT: I know. But if you knew that there was an
6 arbitration provision out there, why not file it as soon as the
7 lawsuit was filed basically?

8 MR. RYAN: Because we believed that we had a potential
9 defense. But we didn't actually find it until we started
10 digging with our clients and investigating more, getting the
11 terms and conditions. And, your Honor, the case of BG Group,
12 Supreme Court case, if you are going to the issue of waiver,
13 that's decided by the arbitrator in BG Group.

14 THE COURT: And is there a -- the arbitration
15 agreement is so difficult to read. It's so small. The print
16 is so small.

17 Is there a delegation provision in the arbitration
18 agreement? Including claims regarding the application
19 enforceability, interpretation of this agreement and this
20 arbitration clause.

21 Have you heard any response from the plaintiffs?

22 MR. RYAN: Your Honor, I tried. I called my assistant
23 to call the number that he has listed on his appearance on
24 Pacer. In calling that number, I got a voicemail. It said the
25 voicemail box was full. I then tried the other, who's the

1 other counsel, who's not lead counsel, Mr. Harrer. I got his
2 voicemail. I didn't leave a message for Mr. Harrer because
3 Mr. Kasalo is I believe lead counsel.

4 THE COURT: Okay.

5 MR. RYAN: We are scheduled for a settlement
6 conferences in this case.

7 THE COURT: When?

8 MR. RYAN: May 1.

9 THE COURT: Seems to me that I should address this
10 before then. I am going to enter an order -- for the record,
11 plaintiff is not here -- an order for plaintiff to file a brief
12 for show cause as to why the motion to compel arbitration
13 should not be granted. I am going to give plaintiff until
14 March 23, 14 days, to file that response, and then set this
15 case for further status the week of April 10.

16 THE CLERK: April 12 at 9:00 o'clock.

17 MR. RYAN: That's fine, your Honor.

18 THE COURT: Thank you.

19 MR. RYAN: Thank you, your Honor.

20 MS. FITZGERALD: Thank you, your Honor.

21 (Which were all the proceedings heard in this case.)
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CERTIFICATE

I HEREBY CERTIFY that the foregoing is a true, correct
and complete transcript of the proceedings had at the hearing
of the aforementioned cause on the day and date hereof.

/s/Alexandra Roth

3/14/2017

Official Court Reporter
U.S. District Court
Northern District of Illinois
Eastern Division

Date